

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WILLIAM F. SHEA, LLC, et al.,

Plaintiffs,

v.

BONUTTI RESEARCH, INC.,

Defendant.

Case No. 2:10-cv-615

Judge Gregory L. Frost

Magistrate Judge Norah McCann King

ORDER

This matter is before the Court on Plaintiff William F Shea, LLC's ("Shea") motion relating to treatment of confidentiality designations at the trial of this matter (ECF No. 205), Defendant Bonutti Research, Inc's ("BRI") response to Shea's motion (ECF No. 210), and Shea's reply in support (ECF No. 214). Also before the Court are the cross-motion for protective order filed by third-party movant Stryker Corporation (ECF No. 208) ("Stryker"), the motion of third-party movant Acacia Research Group, LLC ("Acacia") for confidential treatment at trial of certain information produced under court order (ECF No. 211), and Shea's response to those motions (ECF No. 214). The Court addressed the issues raised in these motions at the final pretrial conference in this matter held on May 29, 2013, at which counsel for the parties and the third-party movants appeared. Due in large part to the agreement of the parties and the Court's discussion of the issues with counsel at the pretrial conference, the Court (1) **GRANTS IN PART AND DENIES IN PART** the motions of Shea and Stryker (ECF Nos. 205 and 208) and (2) **GRANTS** Acacia's motion (ECF No. 211). Specifically, the Court **ORDERS** as follows:

1. William Shea (the principal of Shea LLC) may view confidential documents produced by the third-party movants in connection with Shea's and his counsel's preparation for the trial in this matter;
2. Mr. Shea shall not, however, disclose or use the information contained in those confidential documents for any purpose other than preparation for and participation in the trial of this matter;
3. Documents produced by third-party movants Stryker and Acacia that become trial exhibits and any evidence presented at trial concerning the contents of these documents shall remain under seal during the trial of this action;
4. During presentation of evidence at trial concerning the contents of the confidential documents produced by Stryker and Acacia, the Court shall close the courtroom to the public; the parties and their representatives who are signatories to any protective order covering the documents may remain in the courtroom;
5. During trial, counsel for the party wishing to present evidence or testimony related to the confidential documents produced by Stryker and/or Acacia shall inform the Court as soon as practicable of their intent to do so in order to allow the Court sufficient opportunity to clear the courtroom and inform the court reporter of that particular testimony shall be kept under seal;
6. Following trial, if any of the parties believes that any portion of the trial record sealed pursuant to this Order should be unsealed and become part of the public record, notice shall be provided to third-party movants Stryker and Acacia, which movants shall have a reasonable opportunity to object and make a showing as to why those portions of the trial record should remain under seal;

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE